ஏற்படாத வகையில் இதை அமைக்க வேண்டும். ஆகவே அதையும் விளக்கிச் சொன்னால் நன்றாக இருக்கும். அதோடு பொறுக்குக் கமிட்டிக்கு விடுவதற்கு இசைந்தாலும் கூட மிகவும் உபயோகமாக இருக்கும் என்று சொல்லிக் கொண்டு முடித்துக் கொள்ளுகிறேன்.

THE HON. SRIMATHI LOURDHAMMAL SIMON : இந்த மசோதா எந்த நோக்கத்தின் அடிப்படையில் கொண்டுவரப்பட்டிருக்கிறது என்பதைச் சொன்னேன். ஆனால் கனம் அங்கத்தினர்கள் பேசும் போது பொறுக்குக் கமிட்டிக்கு அனுப்பினால் நல்லது என்று சொன்னார்கள். ஆகவே அதை ஏற்றுக் கொண்டு இந்த மசோதாவை பொறுக்கு கமிட்டிக்கு அனுப்ப ஒப்புக் கொள்கிறேன்.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

'That the Madras Local Authorities Finance Bill, 1961 (L.A. Bil No. 34 of 1961), be referred to a Select Committee consisting of the following Members of the Assembly :—

1. Sri V. K. Kothandaraman.
2. Sri M. Selvaraj.
3. Sri K. R. Nallasivam.
4. Sri D. S. Authimoolam.
5. Sri V. K. Ramasamy Mudaliyar.
6. The Hon. Srimathi Lourdhammal Simon.
7. **The Hon. Sri C. Subramaniam.**
8. Srimathi T. N. Anandanayaki.
9. Sri P. G. Karuthiruman.
10. Sri V. K. Krishnamurthy.
11. Sri R. Srinivasa Iyer.
12. Sri K. R. Viswanathan.
13. Sri M. S. Selvarajan.
14. Sri J. Matha Gowder.
15. Srimathi Kolandai Ammal.

The motion was put and carried.

DEPUTY SPEAKER : The original motion and the amendment will not be put to note in view of the decision of the House on the motion to refer the Bill to a Select Committee.

Under Rule 99 (1) of the Madras Legislative Assembly Rules I nominate the Hon. Minister for Local Administration as the Chairman of the Committee.

(3) THE MADRAS ESTATES (SUPPLEMENTARY) AMENDMENT BILL, 1961.

* THE HON. SRI M. A. MANICKAVELU : Sir, I beg to introduce the Madras Estates (Supplementary) Amendment, Bill [a], 1961, and move—

'That the Bill be taken into consideration.'

It has become necessary to amend the Madras Estates (Supplementary) Act, 1956, in the following circumstances :—

Section 11 (1) of the Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956), lays down that all suits, appeals or other proceedings (other than those pending before the High

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a Published in the *Fort St. George Gazette*, Extraordinary.

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Court) pending at the commencement of that Act before any Court or Tribunal or Settlement Officer in which any question is in issue whether a particular area is or was an estate as defined in section 3, clause (2) of the Madras Estates Land Act or is or was an inam estate as defined in section 2, Clause (7) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, shall stand transferred to the appropriate Tribunal constituted under the 1956 Act for the determination of that question. Section 12 of that Act lays down that if, on remand by the High Court in respect of a case pending before it on or after the commencement of that Act, a Court subordinate to the High Court is seized of the question whether a particular non-ryotwari area is or is not an estate or inam estate that case shall stand transferred to the appropriate Tribunal constituted under the 1956 Act for the determination of that question and be disposed of by it in accordance with the provisions of that Act. In some of the suits, appeals, etc., a number of questions may have to be adjudicated upon and Tribunal cannot decide all these questions, as its jurisdiction is limited to the determination of the question whether a particular non-ryotwari area is or is not an estate or is or is not an inam estate.

A suggestion was made before the Committee on Subordinate Legislation that these suits, appeals, etc., may continue to be pending in the Courts in which they were instituted and that only the particular issue as to whether a particular non-ryotwari area is or is not an estate or is or is not an inam estate, may be referred to the Tribunal for decision in which case the courts in which the suits were instituted will continue to have jurisdiction to pass interim orders according to the Civil Procedure code on the other issues. The Committee on Subordinate Legislation accordingly suggested that, where the Tribunal or Special Appellate Tribunal under the 1956 Act gave its decision, that decision should be communicated to the original Court from which the suit ,appeal or proceeding was transferred to it and submit the records back to the original court and that if this could not be done by the issue of a rule, the Act should be answered to provide that the original Court should continue to have seizing of the suit in respect of all matters other than the issue with which the Tribunal was concerned.

The High Court considered that under the Act as it now stands, the Tribunal does not have the power to grant interim protection to the parties before it, pending the declaration which it might grant on the question referred to it under section 11 (1) or Section 12 and that this could not also be achieved by the exercise of the rule-making power under section 14 but could be achieved only by an appropriate amendment to the Act. The High Court further stated that, similarly, Civil Courts (including the District Court which has now been constituted as the Tribunal under the Act) cannot grant such interim relief either, which it would be necessary to grant, to avoid harship and irreparable damage, even

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in cases where the issues raised in the proceedings which stand transferred to the Tribunal, cover matters other than those with which the Tribunal has jurisdiction to deal and that this again cannot be accomplished by framing rules under the Act but only by an amendment to the Act itself. It is accordingly proposed to amend the Madras Estates (Supplementary) Act, 1956, so as to provide—

(1) that in the case of any suit, appeal and other proceedings in which the question whether a particular non-ryotwari area is or is not an estate or is or is not an inam estate is in issue either solely or along with certain other issues only the issue relating to the said question should be referred to the appropriate Tribunal;

(2) that the Court, Tribunal or Settlement Officer concerned should keep the suit, appeal or other proceeding pending till the finding of the Tribunal on the question is received and then dispose of the suit, appeal or other proceeding; and

(3) that the Court, Tribunal or Settlement Officer concerned may, in the meantime, pass such interim orders in respect of the suit or appeal of other proceeding as are allowed by law.

The present Bill seeks to give effect to the above proposals. The Bill does not involve expenditure from the Consolidated Fund of the State and therefore no financial memorandum is necessary under rule 89 of the Madras Assembly Rules. No memorandum regarding delegated legislation is necessary under rule 90 of the said rules as the Bill does not involve delegation of the Legislative power.

I may also add the following. As the law stands at present before the Tribunal or Settlement Officer or any other Court, there are not only issues concerning the fact whether a paticular area is ryotwari or not, whether it is an inam estate or not but there are other complicated questions also which the Tribunal or Settlement Officer are not able to decide. Therefore it is necessary that the Court must have the right to keep the records and other things pending till the finding of the Tribunal is received and then they can go into the matter and dispose of the suit. We thought that these could be provided by Rules but the Committee on Subordinate Legislation has said that this could not be provided for by rules unless an amendment was carried out to the Act. It is for clarifying the same, we are amending the respective sections of the Act. There is provision also for an interim order being made, by the Court. The Tribunal can also pass necessary orders so as to minimise any inconvenience or disadvantage experienced by the parties. These are the technical aspects with which this amending Bill is brought before the House.

With these words, I request the House to take the Bill into consideration.

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DEPUTY SPEAKER : Motion moved—

"That the Madras Estates (Supplementary Amendment Bill, 1961, be taken into consideration".

* SRI R. SRINIVASA IYER : As the Hon. Minister has said several times the law as to inams or estates and the connected laws passed so far by this State Legislature are as thorny as can be imagined. But yet Act 30 of 1956 was passed five years ago and this legislation which is very useful and proper one is coming five years after. Sir, much water has flown down the bridge and many cases have been transferred to the Tribunals and the parties have suffered much for want of power to pass an interim order. My point is this. When in a suit anybody raises the question whether the land is an estate or whether the defendant or the cultivator or somebody else has got the occupancy right or not, the whole suit is transferred to the Tribunal. The suit was transferred to the Tribunal under Sections 7 and 12 of the original Act, but, unfortunately, the original Court or the Tribunal was not invested with powers of passing interim orders such as the appointment of a Receiver, the appointment of a Commissioner for examining witnesses and for issue of injunctions. All these powers were not available to the Tribunal. That objection was sought to be made up in the rules, but as the Act will have to provide for such contingencies and as the whole suit is transferred to the Tribunal and the Tribunal was vested with only limited powers under the Estates Abolition Act and the amended Act XXX of 1956, they could not give any interim relief. Now, the difficulty could not be solved in the way, because when the suit is transferred to the Tribunal, all the records will go there. Naturally, the original Court will not have even the plaint or the written statement or the issues or the other documents concerned, which the parties will require for the purpose of getting an *interim* order from the Court. The provision here is : "The Court, Tribunal or Settlement Officer concerned should keep the suit, appeal or other proceeding pending till the finding of the Tribunal on the question is received and then dispose of the suit, appeal or other proceeding and that the Court, Tribunal or Settlement Officer concerned may, in the meantime, pass such interim orders in respect of the suit or appeal or other proceeding". The lacuna has now been filled up and this is the procedure that can well be thought of. At the same time, what is the advantage that the client will get by having the suit pending in the original Court and trying to get an interim order while all the documents are with the Tribunal is another point to be considered. I have already stated several times that the Estates Abolition Act, which is 13 years old, consists of as many conundrums as possible. With reference to the payment of compensation, I even moved an amending Bill here. The Government propose to bring forward an amendment, but unfortunately nearly a year has passed and yet the bill is not moved. The assent of the President is awaited. Sooner the legislation is passed, the better it would be. The Government may be pleased to take early steps to bring these

amendments as quickly as possible, because I do not think there is any more work for the Tribunals. In this connection, I would point out that some Tribunals that were appointed for the districts of Tanjore and Madurai have practically no work. They have got work only for 15 or 20 minutes a day. Those Tribunals can be merged with the District Courts. By doing so, we will be saving a lot of time and expenditure. So far as I am aware, the Tanjore Tribunal was having the maximum amount of work under the Estates Abolition Act. Now it has no work for more than 20 minutes. The whole staff there and a District Judge are practically wasting their time and energy. If he is posted to some District Court, he will be doing good work for the emoluments he receives. I therefore suggest that the Tribunals constituted for districts like Tanjore and Madurai may be merged with the main District Courts.

In conclusion, I would like to say that this legislation is welcome and I wish that it should be implemented as early as possible.

* SRI V. K. RAMASWAMY MUDALIYAR : Sir, most of the points have been covered by the hon. Member Sri R. Srinivasa Iyer. The original Act was passed in 1948 and it is now 13 years since questions like compensation and other claims have not been settled. When we passed the amending Act entrusting the powers to the Tribunals, it was contended that the claims will be disposed of as quickly as possible. Now we find that the position has not considerably improved. The displaced Zamindars are put to a lot of inconvenience and trouble. Particularly, poor widows, who are solely dependent upon this compensation, are put to a lot of inconvenience and annoyance. Now some radical changes are sought to be made. In spite of all these things, I do not know whether the position will improve, but there seems to be no other go. What I wish to impress is that there should be speedy disposal of the claims. Wherever District Courts were found to be overworked, an assurance was given that special Tribunals would be appointed in these places. I do not know at what stage the matter stands, but still it should be possible for the Government to dispose of all the claims as early as possible. I therefore request that early relief should be given to these displaced persons.

* THE HON. SRI M. A. MANICKAVELU : Sir it is true that this Act is being amended now and then. We are now concerned with the Tribunals and the work of the other Courts. Formerly there were Regional Tribunals. It was then said that there was inconvenience caused to the parties as they had to go from different parts of the region. The Government therefore constituted District Tribunals as was being done in the neighbouring States of Andhra. We had resource to District Courts as Tribunals and in cases where the volume of work was very much, then we appointed a Special Judge and constituted a Special Tribunal. Now the position is this. In the matter of adjudicating the question whether an area is ryotwari or not or an inam land, only that

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question can be considered by the Tribunal and all other complicated questions can be decided only by the Courts. Now, the Courts cannot come to a decision when this aspect of the question is before the Tribunal. In the meantime, other questions may arise. So the Court was not in a position to pass interim orders. For that, they want the records. Here we provide that the records can be sent back to the Courts so that they can pass orders quickly. It was thought that such a provision could be made in the rules, but it has been pointed out by the Committee on Subordinate Legislation that such a procedure was neither correct nor legal. That is why we are giving the power to the Courts to take back the records, if they wanted them.

There is provision for the passing of interim orders also. No doubt this amendment is rather belated, but still, somehow or other, with regard to this Act, things move slowly. But I can assure the hon. Members that we have been quick in the matter of depositing the compensation amount. In fact, as per the rules, we have deposited the compensation amount, but if there has been delay, it is due to the fact that there are a number of applicants who are putting in far-fetched claims and therefore the matter is dragging on. But considering the manner in which this Act is working in other States, here it is somewhat better. (Laughter) That is all I can say.

I have now come forward to remedy one or two defects. Of course, this is belated, but "better late than never" is a proverb. It is just to remove the technical difficulties that have arisen that these amendments are moved. As pointed out by another hon. Member, we are taking steps to see that the disbursement of this money is done as quickly as possible. I may also add that the progress of disbursement is quite satisfactory. Whatever may have been the state of affairs before, now the disbursement is being done as expeditiously as possible.

DEPUTY SPEAKER : The question is—

"That the Madras Estates (Supplementary) Amendment Bill, 1961, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 9 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir I move—

"That the Madras Estates (Supplementary) Amendment Bill, 1961, be passed."

DEPUTY SPEAKER : The question is—

"That the Madras Estates (Supplementary) Amendment Bill, 1961, be passed."

The motion was put and carried and the Bill was passed.

12–30 p.m. DEPUTY SPEAKER : The House will now adjourn and meet again at 8-30 a.m. tomarrow.

The House then adjourned.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE

A. STATUTORY RULES AND ORDERS.

362. *Notification issued with G.O. Ms. No.* 3431, ***Revenue, dated*** 11*th August* 1961, *regarding exemption from the tax payable under the Madras General Sales Tax Act,* 1959 *and from the operation of section* 20 *of the Act in respect of **every** private medical practitioner owning dispensaries and dispensing medicines **to his patients only whether he charges consultation fee or not***
[*Laid on the table of the House under section* 53 (5) *of the Madras General Sales Tax Act,* 1959 (*Madras Act* 1 *of* 1959.]

B. REPORTS, NOTIFICATIONS AND OTHER PAPERS.

NIL.